

OCTABIA LAUREN BOONE,
Petitioner,
v.
UNITED STATES OF AMERICA
Respondent.


On July 13, 2015, pursuant to a written plea agreement, Octavia Lauren Boone (“Boone”) pleaded guilty to conspiracy to launder monetary instrument. See [D.E. 201]. On August 30, 2016, the court held Boone’s sentencing hearing. See Sentencing Tr. [D.E. 456]. At the hearing, the court adopted the facts set forth in the Presentence Investigation Report (“PSR”) and overruled Boone’s objection to not receiving a two-level reduction under U.S.S.G. § 3B1.2 [D.E. 387]. See Sentencing Tr. at 5–6; Fed. R. Cr. P. 32(i)(3)(A)–(B). The court calculated Boone’s total offense level to be 27, her criminal history category to be I, and her advisory guideline range to be 70 to 87 months’ imprisonment. See Sentencing Tr. at 6–7. After granting the government’s motion under U.S.S.G. § 5K1.1 and thoroughly considering all relevant factors under 18 U.S.C. § 3553(a), the court sentenced Boone to 42 months’ imprisonment and three years’ supervised release. See id. at 8, 14–21; [D.E. 412] 2–3.

On December 13, 2016, Boone moved for a sentence reduction under Amendment 794 to the Sentencing Guidelines. See [D.E. 434]. Amendment 794 amends the commentary to U.S.S.G. § 3B1.2. On June 6, 2017, the government responded in opposition. See [D.E. 463].

Boone's motion fails. Amendment 794 became effective on November 1, 2015, and the court sentenced Boone after Amendment 794 became effective. Thus, the court applied Amendment 794 when sentencing her. Accordingly, Boone is not relying on a range that was subsequently lowered, and the court denies Boone's motion under Amendment 794. See 18 U.S.C. § 3582(c)(2).

In sum, the court DENIES Boone's motion for reduction of sentence [D.E. 434].

SO ORDERED. This 7 day of June 2017.



JAMES C. DEVER III
Chief United States District Judge